

Date: August 15, 2017

CASCADE COUNTY PLANNING BOARD

ITEM: Conservation Easement – Ross and Janet Thayer

ACTION REQUESTED: Request for Comments from Cascade County Planning Board

PRESENTED BY: Troy Hangen, Cascade County Planner

General Information:

According to 76-6-206, MCA, "...all conservation easements shall be subject to review prior to recording by the appropriate local planning authority for the county within which the land lies. It shall be the responsibility of the entity acquiring the conservation easement to present the proposed conveyance of the conservation easement to the appropriate local planning authority. The local planning authority shall have 90 days from receipt of the proposed conveyance within which to review and to comment upon the relationship of the proposed conveyance to comprehensive planning for the area. Such comments will not be binding on the proposed grantor or grantee but shall be merely advisory in nature. The proposed conveyance may be recorded after comments have been received from the local planning authority or the local planning authority has indicated in writing it will have no comments or 90 days have elapsed, whichever occurs first."

Special Information:

Ross and Janet Thayer would like to place a conservation easement on a 389 acre property east of Belt. The property is presently being used for cattle grazing and hay operations and the owners have no interest of seeing it developed in the future. The land is located within Cascade County and is bordered by private land. It is located near the Little Belt Creek. The legal description of the property is Geocode: 2897-29-2-03-01, 2897-30-3-01-01, & 2897-31-2-01-01.

Existing Development:

- Residence
- Two Shops
- Several agricultural structures.

Permitted Development:

- Existing residence in a 16 acre building envelope.
- Agricultural structures on permanent foundations must be located within the building envelope.
- The property will transfer as one property only.

According to the Deed of Conservation Easement:

- *“The property has significant scenic and open-space values as recognized in the Montana Open Space Land and Voluntary Conservation Easement Act (MCA 76-6-101).”*
- *“The property constitutes a valuable component of the scenic and open space lands in the Little Belt Creek drainage and the property remains largely undeveloped and retains its agricultural and natural habitat characteristics.”*
- *“Preservation of the scenic and open space values found on the properties provides substantial benefits to the people of the State of Montana, Cascade County, and the United States by preserving and providing the following significant resources, in perpetuity, in compliance with MCA 76-6-101:”*
 - *Open space lands which maintain the rural, agricultural, and natural scenic qualities of the area and provide opportunities to continue traditional farming and ranching practices in perpetuity, as encouraged and supported by the federal tax policies, the private land protection policies of the State of Montana, and clearly delineated local land conservation policies adopted in Cascade County, Montana.”*
 - *Scenic views of a historic Montana landscape and working agricultural lands in the Little Belt Creek drainage that are enjoyed by members of the general public traveling Little Belt Creek Road and Willow Creek Road, public roadways that border and/or traverse the Property;*
 - *Retention of significant scenic open space for a variety of other uses, including relatively natural fish, and wildlife for various species, including but not limited to, elk, black bear, antelope, upland game birds, waterfowl, and various other bird species, all of which use the Property.*

Conclusion

The proposed conservation easement will preserve ranch lands, and scenic open space. Staff will forward any comments that the Planning Board has to the grantee (The Montana Land Reliance). The proposal is in general compliance with Cascade County's Growth Policy in that it preserves agricultural lands and scenic open space.

Attachment: Vicinity Map

Thayer (Ross) Property

Ross and Janet Thayer would like to place a conservation easement on their 389-acre property located 8 miles west of Belt in the foothills of the Highwood Mountains in Cascade County. The property is used for cattle grazing and hay operations. The landowners do not want to see the property developed. When staff visited there were elk, black bear, antelope, upland game bird, waterfowl, and raptors present.

The landowners plan to restrict the ability to construct residences and limit the number of transfers. The landowners work in Great Falls and ranch the property in their spare time. The ranch was homesteaded by Ross Thayer's family. The property is within 4 miles of MLR's Myllymaki (Gilbert) easement property.

Human Development:

Existing structures on Thayer Property include:

- Residence
- Two Shops
- Several agricultural structures.

Allowed future development on Thayer Property:

- Existing residence in a 16 acre building envelope.
- Agricultural structures on permanent foundations must be located within the building envelope.
- The property will transfer as one property only.

Relationship to MLR Goals:

The easement will protect scenic open space and agricultural land. The property adds to MLR's goal of protecting a million acres of significant lands.

Relationship to IRS Code:

The easement will protect significant scenic open space and is visible to the public travelling Little Belt Creek Road.

Relationship to MLR Resources:

Staff is requesting this as a Special Protection Project with the project costs coming out of the Land Protection Fund. The landowner will pay for the appraisal.

Potential Issues and Challenges:

No Issues or challenges at this time.

Staff contact for the project is Jay Erickson